

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, <u>ex rel.</u>	)	
MARY HENDOW and JULIE ALBERTSON,	)	2:03-CV-0457-GEB-DAD
	)	
Plaintiff,	)	
	)	
v.	)	<u>ORDER</u> *
	)	
UNIVERSITY OF PHOENIX,	)	
	)	
Defendant.	)	
_____	)	

Leeland O. White moves to intervene in this False Claims Act qui tam action arguing that he was the "first to file" a qui tam action against Defendant University of Phoenix. Relators Mary Hendow and Julie Albertson, on behalf of the United States (Real Party in Interest), and Defendant University of Phoenix oppose the motion, arguing that only the United States is authorized to intervene in this action.

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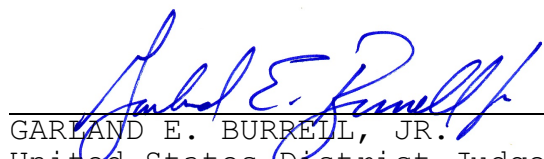
\* This matter was determined to be suitable for decision without oral argument. L.R. 78-230(h).

1 The False Claims Act provides that only "the Government" may  
2 intervene in qui tam actions. 31 U.S.C. § 3730(b)(5). "This  
3 provision states without qualification that persons other than the  
4 government may not intervene in qui tam actions. By drafting the  
5 statute in such unequivocal language, Congress made the strongest  
6 possible statement against private party intervention in qui tam  
7 suits." United States ex rel. LaCorte v. Wagner, 185 F.3d 188, 191  
8 (4th Cir. 1999) (denying individual's motion to intervene).

9 Accordingly, White's motion to intervene is denied.

10 IT IS SO ORDERED.

11 Dated: December 7, 2007

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14 GARLAND E. BURRELL, JR.  
United States District Judge  
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